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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,747	06/29/2001	Matthew Scott Meyerson	FIS9-2000-0391	9107

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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary

Application No.

09/896,747

Applicant(s)

MEYERSON, MATTHEW SCOTT

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/29.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 7 and 8 recite the limitation "secondary devices" in line 2 of each claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 7, 11, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (USPN 6,801,507) in view of Vellanki et al. (USPN 5,999,979).

6. Regarding claims 1 and 11, Humpleman et al. (USPN 6,801,507) teach a primary device adapted to communicate with secondary devices, the primary device comprising:

- a. A central processing unit (column 4, lines 63-65).

- b. A transceiver connected to said central processing unit and adapted to transmit signals to and from the secondary devices (column 4, lines 48-51).
- c. A user interface (column 4, lines 54-56).
- d. Wherein the central processing unit establishes communications with the secondary devices through the transceiver (column 13, lines 53-59).
- e. The central processing unit changes the user interface depending upon which secondary devices are in communication with the primary device (column 24, lines 12-19).

Although the system disclosed by Humpleman et al. (USPN 6,801,507) shows substantial features of the claimed invention, it fails to disclose means wherein the central processing unit attempts communication with the secondary devices using a plurality of known communication protocols until communications are established.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Humpleman et al. (USPN 6,801,507) as evidenced by Vellanki et al. (USPN 5,999,979).

In an analogous art, Vellanki et al. (USPN 5,999,979) discloses a system for communicating with an entity on a network wherein the central processing unit attempts communication with the secondary devices using a plurality of known communication protocols until communications are established (column 6, lines 1-13, 25-37).

Given the teaching of Vellanki et al. (USPN 5,999,979), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Humpleman et al. (USPN 6,801,507) by initiating communications by attempting a number of different protocols. In Humpleman et al. (USPN 6,801,507), it is stated that a number of different protocols may be in use in the system (column 4, lines 38-47). Utilizing a number of different protocols would benefit the system by allowing the determination of a most advantageous protocol for each networked device.

7. Regarding claims 2, 7, 12, and 17, Humpleman et al. (USPN 6,801,507) teach all the limitations as applied to claims 1, 6, 11, and 16, respectively. They further teach a memory for storing identifying numbers of said secondary devices, wherein said identifying numbers uniquely identify said secondary devices (column 16, lines 39-40, 50-53).

8. Regarding claim 6, Humpleman et al. (USPN 6,801,507) teach a computer adapted to communicate with a plurality of networks and peripheral devices, the primary device comprising:

- a. A central processing unit (column 4, lines 63-65).
- b. An interface connected to the central processing unit and adapted to transmit signals to and from the networks and peripheral devices (column 4, lines 48-51).
- c. A user interface (column 4, lines 54-56).

- d. Wherein the central processing unit establishes communications with the networks and peripheral devices through the interface (column 13, lines 53-59).
- e. The central processing unit changes the user interface depending upon which networks and peripheral devices are in communication with the computer (column 24, lines 12-19).

Although the system disclosed by Humpleman et al. (USPN 6,801,507) shows substantial features of the claimed invention, it fails to disclose means wherein the central processing unit attempts communication with the networks and peripheral devices using a plurality of known communication protocols until communications are established.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Humpleman et al. (USPN 6,801,507) as evidenced by Vellanki et al. (USPN 5,999,979).

In an analogous art, Vellanki et al. (USPN 5,999,979) discloses a system for communicating with an entity on a network wherein the central processing unit attempts communication with the networks and peripheral devices using a plurality of known communication protocols until communications are established (column 6, lines 1-13, 25-37).

Given the teaching of Vellanki et al. (USPN 5,999,979), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Humpleman et al. (USPN 6,801,507) by initiating communications by

Art Unit: 2153

attempting a number of different protocols. In Humpleman et al. (USPN 6,801,507), it is stated that a number of different protocols may be in use in the system (column 4, lines 38-47). Utilizing a number of different protocols would benefit the system by allowing the determination of a most advantageous protocol for each networked device.

9. Regarding claim 16, Humpleman et al. (USPN 6,801,507) teach a system for configuring a primary device based on the presence of secondary devices with means for:

- a. Establishing communications with the secondary devices through a transceiver (column 13, lines 53-59).
- b. Changing the appearance of a user interface depending upon which secondary devices are in communication with the primary device (column 24, lines 12-19).

Although the system disclosed by Humpleman et al. (USPN 6,801,507) shows substantial features of the claimed invention, it fails to disclose means wherein the central processing unit attempts communication with the secondary devices using a plurality of known communication protocols until communications are established.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Humpleman et al. (USPN 6,801,507) as evidenced by Vellanki et al. (USPN 5,999,979).

In an analogous art, Vellanki et al. (USPN 5,999,979) discloses a system for communicating with an entity on a network wherein the central processing unit attempts

communication with the secondary devices using a plurality of known communication protocols until communications are established (column 6, lines 1-13, 25-37).

Given the teaching of Vellanki et al. (USPN 5,999,979), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Humpleman et al. (USPN 6,801,507) by initiating communications by attempting a number of different protocols. In Humpleman et al. (USPN 6,801,507), it is stated that a number of different protocols may be in use in the system (column 4, lines 38-47). Utilizing a number of different protocols would benefit the system by allowing the determination of a most advantageous protocol for each networked device.

10. Claims 3-5, 8-10, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (USPN 6,801,507) and Vellanki et al. (USPN 5,999,979) as applied to claim 1 above, and further in view of Fidler (USPN 6,725,051).

11. Regarding claims 3, 8, 13, and 18, although the system disclosed by Humpleman et al. (USPN 6,801,507) and Vellanki et al. (USPN 5,999,979) (as applied to claims 1, 6, 11, and 16, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the central processing unit determines a physical location of the primary device depending upon what secondary devices are connected to the primary device and upon which secondary devices are in proximity to the primary device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Humpleman et al. (USPN 6,801,507) and Vellanki et al. (USPN 5,999,979) as evidenced by Fidler (USPN 6,725,051).

In an analogous art, Fidler (USPN 6,725,051) discloses a system for locating a device wherein the central processing unit determines a physical location of the primary device depending upon what secondary devices are connected to the primary device and upon which secondary devices are in proximity to the primary device (abstract; figure 3; column 6, lines 5-8; column 7, lines 7-9).

Given the teaching of Fidler (USPN 6,725,051), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Humpleman et al. (USPN 6,801,507) and Vellanki et al. (USPN 5,999,979) by determining the location of a device based on the secondary devices in the physical area. This benefits the system by allowing the user interface to be altered depending on the secondary devices available in the same room as the primary device without having to specifically query each one.

12. Regarding claims 4, 9, 14, and 19, Humpleman et al. (USPN 6,801,507) teach all the limitations as applied to claims 3, 8, 13, and 18, respectively. They further teach means wherein the central processing unit alters an appearance of the user interface depending upon the physical location of the primary device (column 24, lines 12-19). Note that in the reference, the user interface is changed depending on whatever secondary devices are available to the primary machine.

13. Regarding claims 5, 10, 15, and 20, Humpleman et al. (USPN 6,801,507) teach all the limitations as applied to claims 4, 9, 14, and 19, respectively. They further teach means wherein the central processing unit changes the appearance of the user interface to specifically accommodate the physical location (column 24, lines 12-19).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Struble (USPN 6,745,253)
- b. Meade, II et al. (USPN 6,678,750)

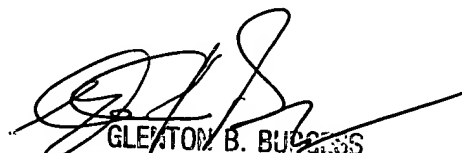
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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